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CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

JerJ. Richard Creatura, United States Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Daniela Cohn-Aizic,

Defendant.

NO. CR20-5081

PRETRIAL DIVERSION AGREEMENT

I, Daniela Cohn-Aizic, understand that I have been charged with an offense against the United States on or about October 26, 2019, in violation of Title 18, U.S.C., Section 641, in that I did commit the offense of Theft of Government Property. The maximum penalty for this offense is 12 months in custody and a fine of \$100,000, or both, and a penalty assessment of \$25.


I understand that I may have the right to have an attorney appointed to represent me and if I am entitled to an appointed attorney, I have been given the opportunity to confer with an attorney prior to entering into this Agreement. If I have chosen not to be represented by an attorney, I understand by initialing this line that I have waived my right to be represented by an attorney.

I understand that under the Sixth Amendment to the United States Constitution and under the Speedy Trial Act, 18 U.S.C. Section 3161 et seq., I have the right to a prompt arraignment and to a speedy trial. I also understand that under the Federal Rule of Criminal Procedure 48(b), the Court may dismiss the charges against me if there is unnecessary delay in

PRETRIAL DIVERSION AGREEMENT- 1
J. RICHARD CREATURA, UNITED STATES MAGISTRATE JUDGE

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE WASHINGTON, 98101-1271
(206) 553-7970

1 bringing the case to trial. I consent to waiving these rights and to continuing the trial in this
 2 matter for a period not to exceed fifteen (15) months from the date of this Agreement. I agree
 3 and consent that any delay resulting from this Agreement shall be deemed a necessary delay at
 4 my specific request. I waive any defense to such prosecution on the grounds that a delay
 5 resulting from this Agreement denied my rights under Federal Rule of Criminal Procedure
 6 48(b), the Speedy Trial Act, 18 U.S.C. Section 3161 et seq., and the Sixth Amendment to the
 7 United States Constitution to a speedy trial or to bar the prosecution by reason of the running
 8 of the statute of limitations for a period of months equal to the length of the diversion
 9 supervision. I understand that the period of delay caused by this Agreement is excludable time
 10 for speedy trial purposes.

11 I understand that I may have a constitutional right to a trial by jury. I understand that I
 12 have the right to trial, judgment, and sentencing before a United States District Judge or a
 13 United States Magistrate Judge. By initialing this line, I knowingly and voluntarily waive my
 14 right to a jury trial on the charges pending and consent to trial, judgment and sentencing by a
 15 United States Magistrate Judge. 

16 AGREEMENT

17 I understand that upon accepting responsibility for my behavior and by my signature on
 18 this Agreement, it appears that the interest of the United States and my own interest and the
 19 interest of justice will be served by the pretrial diversion of this case. Therefore, provided that
 20 the Pretrial Services investigation reveals that I am eligible for the program, the United States
 21 Attorney for the Western District of Washington, through Special Assistant United States
 22 Attorney, Barbara J. Sievers, for said district, agrees that the prosecution of Daniela Cohn-
 23 Aizic, shall be deferred for a period of 12 months.

24 I understand that if I successfully complete the Pretrial Diversion Program, no
 25 prosecution of the offense set out on page one of this Agreement will be instituted and the
 26 charges against me will be dismissed.

PRETRIAL DIVERSION AGREEMENT- 2
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1 CONDITIONS

2 By signing this Pretrial Diversion Agreement, I accept responsibility for my behavior
3 and agree to comply with the conditions of pretrial diversion contained below:

- 4 (1) I will not violate any Federal, State, or Local law while on diversion.
5 (2) I will contact the Pretrial Services Office within 48 hours of any arrest and/or questioning
6 by any law enforcement officer.
7 (3) I will not leave the judicial district without the permission of the Pretrial Services Office.
8 (4) I will report to the Pretrial Services Office as directed.
9 (5) I will notify the Pretrial Services Office within 48 hours of any change in residence
10 or employment.
11 (6) I will participate in an initial interview with the Pretrial Services Office to determine my
12 eligibility for the Pretrial Diversion Program. I understand that any information I provide to
13 the Pretrial Services Office must be truthful.

14 SPECIAL CONDITIONS

15 None
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18 MODIFICATION OF CONDITIONS OF PRETRIAL DIVERSION

19 I understand that within thirty days of my signing this agreement, and after my initial
20 interview with Pretrial Services, Pretrial Services will notify the United States Attorney's
21 Office that I do or do not meet the basic criteria for eligibility. If I am deemed ineligible within
22 the thirty days, my case will be placed back on the court docket and this agreement and the
23 stipulation of facts will not be used against me at trial.

24 If Pretrial Services makes a recommendation for modification to the United States
25 Attorney's Office, and the United States accepts the modification, then I understand that a
26

PRETRIAL DIVERSION AGREEMENT- 3
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1 modification can be made to this Agreement. I understand that if I refuse to comply with a
2 modification, I will be deemed ineligible for participation in the Pretrial Diversion Program.

3 VIOLATION OF PRETRIAL DIVERSION

4 I understand and agree that if the United States Attorney concludes that I have violated
5 this Pretrial Diversion Agreement, the United States may seek to resume the criminal
6 prosecution against me. In that event, the United States Attorney would furnish me with notice
7 of request for termination of the agreement, outlining the allegation, and I would be given an
8 opportunity to respond. Any dispute will be resolved by a United States Magistrate Judge.

9 I understand that if it is determined that I have violated the terms of this Pretrial
10 Diversion Agreement, I will be brought back before the court for a bench trial on the
11 stipulation of facts previously executed containing the citation or police reports. No additional
12 evidence or witnesses will be presented at the trial other than the stipulation of facts.

13 I understand and agree that a copy of the Agreement will be provided to me, the United
14 States Attorney, defense counsel (if any), and the Pretrial Services Office. I understand that the
15 original agreement will be filed with the Court.

16 I understand that upon successful completion of the Pretrial Diversion Program, the
17 United States Attorney will move the Court for an order dismissing the charges pending
18 against me in this case.


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PRETRIAL DIVERSION AGREEMENT- 4.
J. RICHARD CREATURA, UNITED STATES MAGISTRATE JUDGE

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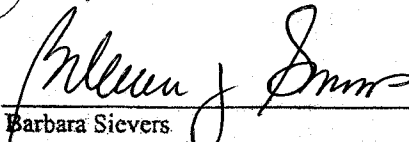
1 I, Daniela Cohn-Aizic, and the United States of America, acknowledge that the above-
 2 stated terms and conditions, together with the waiver of speedy trial, waiver of counsel (if
 3 applicable), waiver of jury trial (if applicable), and consent to proceed before a Magistrate
 4 Judge contained herein, constitute the entire Pretrial Diversion Agreement between the parties.

5
 6 
 7 Daniela Cohn-Aizic
 8 Defendant

2-25-2020
 Date

9 
 10 Jerome Kuh
 11 Attorney for Defendant

2-25-2020
 Date

12 
 13 Barbara Sievers
 14 Assistant United States Attorney

2/25/2020
 Date

J. Richard Creatura, United States Magistrate Judge

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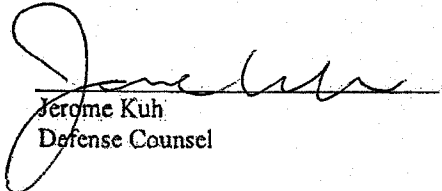
PRETRIAL DIVERSION
STIPULATION OF FACTS

The parties stipulate that the facts contained in the attached citation, police reports, and/or investigative reports, are a substantially correct version of the facts on which the charge(s) in this case are based.

DATED this 25 day of February, 2020.

Defense Counsel waived.


Daniela Cohn-Aizic
Defendant


Jerome Kuh
Defense Counsel


Barbara Sievers
Assistant United States Attorney

PRETRIAL DIVERSION STIPULATION OF FACTS- 6
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